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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,554	03/25/2004	Gary Dean Anderson	AUS920030980US1	7924

35525 7590 09/19/2006

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EXAMINER
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BONURA, TIMOTHY M

ART UNIT	PAPER NUMBER
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2114

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/809,554	Applicant(s) GARY DEAN ANDERSON	
	Examiner Tim Bonura	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/25/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- **Claims 1-2, and 4-14 are rejected under 35 U.S.C. 102(e) as being anticipated by McAfee, et al, U.S. Patent Application Publication Number 2004/0148542.**
- **Claim 3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, and 4-14 are rejected under 35 U.S.C. 102(e) as being anticipated by McAfee, et al, U.S. Patent Application Publication Number 2004/0148542.
3. Regarding claim 1:
  - a. Regarding the limitation of “identifying failed hardware,” McAfee discloses a system with an I/O controller that suffers a failure. (Paragraph 0023).
  - b. Regarding the limitation of “identifying hardware affected by the failed hardware,” McAfee discloses a system with an I/O bus controller failure that is identified as failed. (Paragraph 0023).
  - c. Regarding the limitation of “rebooting the computer system without running a diagnostic on the failed hardware,” McAfee discloses a system that is configured to reboot the computer system upon detection of an I/O controller. (Paragraph 0023).

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4. Regarding claim 2, McAfee disclose that the I/O controller can be decoupled from the computer system. (Paragraph 0024).

5. Regarding claim 4, McAfee disclose a system in which a switch is operative to disconnect the I/O controller. (Paragraph 0024).

6. Regarding claim 5, McAfee discloses a system wherein the BIOS have a register for storing all the permutations of the failed devices. (Paragraph 0023).

7. Regarding claim 6:

d. Regarding the limitation of "a plurality of hardware units connected to the computer system by a bus," McAfee discloses a system with an I/O controller with devices connected to it. (Paragraph 0018).

e. Regarding the limitation of "a service processor having firmware," McAfee discloses a system with a process with a BIOS and/or other firmware. (Paragraph 0023).

f. Regarding the limitation of "wherein when a first hardware unit of the plurality experiences an error, the first hardware unit is disconnected from the bus," McAfee discloses a system with an I/O bus controller failure that is identified as failed. (Paragraph 0023). McAfee disclose that the I/O controller can be decoupled from the computer system. (Paragraph 0024).

g. Regarding the limitation of "wherein the computer system is restarted without running a first diagnostic associated with the first hardware unit," McAfee discloses a system that is configured to reboot the computer system upon detection of an I/O controller. (Paragraph 0023).

8. Regarding claim 7, McAfee disclose a system in which a switch is operative to disconnect the I/O controller. (Paragraph 0024).

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9. Regarding claim 8, McAfee discloses a system wherein the BIOS have a register for storing all the permutations of the failed devices. (Paragraph 0023).

10. Regarding claim 9, McAfee discloses that the I/O controller can have other I/O devices connected to it, in which those devices would also suffer failure and be disconnected. (Paragraph 0008, 0019).

11. Regarding claim 10:

h. Regarding the limitation of "a computer system having a first hardware unit connected to the computer system," McAfee discloses a system with an I/O controller that suffers a failure. (Paragraph 0023).

i. Regarding the limitation of "first instructions for detecting when an error occurs associated with the first hardware unit," McAfee discloses a system with an I/O controller that suffers a failure. (Paragraph 0023).

j. Regarding the limitation of "second instructions for disconnecting the first hardware unit from a bus of the computer system," McAfee discloses a system with an I/O bus controller failure that is identified as failed. (Paragraph 0023). McAfee disclose that the I/O controller can be decoupled from the computer system. (Paragraph 0024).

k. Regarding the limitation of "third instructions for indicating in a table that the first hardware unit has an error associated therewith," McAfee discloses a system wherein the BIOS have a register for storing all the permutations of the failed devices. (Paragraph 0023).

l. Regarding the limitation of "fourth instructions for, when the computer system is rebooted, rebooting the computer system without running a first diagnostic associated with the first hardware unit," McAfee discloses a system that is configured to reboot the computer system upon detection of an I/O controller. (Paragraph 0023).

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12. Regarding claim 11, McAfee discloses a system with a process with a BIOS and/or other firmware. (Paragraph 0023).

13. Regarding claim 12, McAfee discloses a system wherein the BIOS have a register for storing all the permutations of the failed devices. (Paragraph 0023).

14. Regarding claim 13, McAfee disclose a system in which a switch is operative to disconnect the I/O controller. (Paragraph 0024).

15. Regarding claim 14, McAfee discloses a system wherein the BIOS have a register for storing all the permutations of the failed devices. (Paragraph 0023).

### ***Claim Rejections - 35 USC § 112***

16. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

17. Claim 3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 recites the limitation "first diagnostic" in the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tim Bonura**.

- The examiner can normally be reached on **Mon-Fri: 8:30-5:00**.
- The examiner can be reached at: **571-272-3654**.

19. If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, **Scott Baderman**.

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- The supervisor can be reached on **571-272-3644**.

20. The fax phone numbers for the organization where this application or proceeding is assigned are:

- **703-872-9306 for all patent related correspondence by FAX.**

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is: **571-272-2100**.

23. Responses should be mailed to:

- **Commissioner of Patents and Trademarks**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

Tim Bonura  
Examiner  
Art Unit 2114

September 16, 2006

A handwritten signature in black ink, appearing to read 'Tim', followed by a large, stylized flourish or checkmark-like shape.